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LETTER DATED 6 JANUARY 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to our letter dated 4 October 1994 (S/1994/1131), I should like to inform you that on 17 November 1994 British Member of Parliament Sir David Steele addressed a letter to the British Minister of Defence, Mr. Malcolm Rifkind, in which he expressed concern that projectiles made from depleted uranium had been used against Iraq by British forces. The Minister replied in a letter dated 6 December 1994, admitting that British forces had used 88 depleted-uranium projectiles against Iraqi armour, stating that United States forces had used greater numbers and claiming that the Geneva Conventions permit such use. Although the Minister admits in his letter that radiation from such projectiles has an impact on the health of those on whom they are used, he states that his Ministry has studied the Iraqi report on the matter and that there are no previous reports linking the use of depleted uranium with the appearance of the symptoms of disease to which the Iraqi report refers.

The statement of the British Minister to the effect that the Geneva Conventions permit the use of such weapons is untrue. The use of the weapons in question constitutes a violation of international humanitarian law, and it does so for the following reasons:

1. It is true that the Geneva Conventions of 1949 do not explicitly prohibit the use of radiation weapons but, at the same time, neither do they permit their use. Furthermore, the 1977 Protocol I Additional to the Geneva Conventions addresses the subject of methods and means of warfare and, in its article 25, lays down basic rules in this respect, as follows:

> "1. In any armed conflict, the rights of the Parties to the conflict to choose methods or means of warfare is not unlimited.
>
> "2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
>
> "3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment."

2. The 1907 Hague Convention prohibits the use of weapons that assail civilian and military targets indiscriminately, and it therefore applies to projectiles of this kind that emit radiation and toxins and have long-term effects on the population and on the environment.

The above facts, combined with the admission of the British Minister of Defence that weapons of this kind were used against Iraq, place on the international community and its institutions the responsibility of examining these grave violations, which, by reason of the fact that they are in contravention of the laws and customs of war, are to be regarded as war crimes for which States and individuals can be held responsible.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative